

JONES COUNTY
SHOOTING RANGE FACILITY
ORDINANCE

WHEREAS, regulations for the development and operation of shooting ranges is necessary to protect the general health, safety and welfare of the citizens of Jones County.

NOW, THEREFORE, BE IT RESOLVED by the Jones County Board of Commissioners:

ARTICLE 1

Title

This Ordinance shall be known and may be cited as the “Jones County Shooting Range Facility Ordinance.”

ARTICLE 2

Authority; Purpose and Intent

2.1 The provisions of this Ordinance are adopted by the County Board of Commissioners under authority granted by the general assembly of the state, in N.C.G.S. 153A-121 and further, N.C.G.S. 153A-129. This Ordinance shall apply to all of the County outside of the incorporated limits and area of extraterritorial jurisdiction of any incorporated municipality.

2.2 The purpose and intent of this Ordinance is to provide for the public health, safety and welfare, and to provide regulations for the establishment and operation of indoor and outdoor shooting range facilities within the County. Such recreational and training complexes, due to their potential noise impacts and safety concerns, merit careful review to minimize adverse effects on adjoining properties. This Ordinance does not otherwise apply to the general discharge of firearms or the use of bows and arrows in accordance with all other applicable laws or regulations. Further, the regulations of this Ordinance have been made with reasonable consideration among other things, as to the character of the County and its areas and their peculiar suitability for these businesses and recreational facilities.

2.3 It is the intent of this Ordinance to accomplish the following:

(a) *Permitting, registration and compliance.* New shooting range facilities shall only be established and operated in accordance with a valid permit issued by the County. In addition, existing ranges shall be registered and shall comply with the provisions of this Ordinance within one year.

(b) *Shot containment.* Each shooting range facility shall be designed to contain the bullets, shot or arrows on the range facility within the safety fan zone.

(c) *Noise mitigation.* Each shooting range facility shall be designed to minimize offsite noise impacts generated by the activities conducted on the range facility.

(d) *Exempt.* This Ordinance shall not apply to the following:

(1) Indoor firing ranges.

(2) Noncommercial firearms training ranges and complexes operated by and for municipal, county and state law enforcement officers.

(3) Nonprofit or charitable organizations engaging in fundraising activities by use of a shotgun using number four-shot through number nine-shot for a period not to exceed six consecutive weeks.

(4) Nonprofit or charitable organizations engaging in teaching or training activities under the supervision of a qualified individual.

(5) Incidental, non-commercial target practice areas on private property.

ARTICLE 3

Definitions

The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them in this Ordinance:

3.1 Words used in the present tense include the future tense. Words used in the singular number include the plural and words used in the plural number include the singular. The words “located,” “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be located, used or occupied.” “Shall” is always mandatory and not merely directory.

3.2 “Archery” means the art, sport, or skill of shooting with a bow and arrow.

3.3 “**Building**” includes the word “structure,” and means a walled and roofed building that is principally above ground; a manufactured or mobile home; a storage tank for gases or liquids; or any other permanent, man-made facilities.

3.4 “**County**” shall mean Jones County, a body politic and corporate of the State of North Carolina.

3.5 “**Dwelling**” means a structure or portion thereof which is used exclusively for human habitation, including schools, churches, and medical facilities.

3.6 “**Firearm**” means any weapon, including pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant.

3.7 “**Firing line**” means a line parallel to a target from which firearms or arrows are discharged.

3.8 “**Indoor firing range**” means a facility constructed and operated according to the following provisions:

(a) That the facility either meet all applicable OSHA guidelines and requirements concerning the construction and operation of an indoor firing range, or that the facility be designed, constructed and operated in strict compliance with the National Rifle Association (herein referred to as the N.R.A.) standards, specifically “The Range Source Book, A Guide to Planning and Construction,” Section 3: Chapters 1 through 12. In addition, construction standards shall comply with all appurtenant North Carolina Building and Fire Codes.

(b) That the facility maintain liability insurance through a company licensed in North Carolina, with a minimum of \$1,000,000 coverage and a maximum of \$10,000 deductible.

(c) That the walls and ceiling of the indoor firing range be constructed such that any rounds, ammunition, or projectiles utilized in the firing range cannot penetrate the walls and ceiling or floor of said firing range. Firing booths shall be enclosed, except facing the target area, with bullet-resistant material capable of successfully resisting ammunition or rounds used on the range. Observation areas shall be enclosed with bullet-resistant material capable of successfully resisting any ammunition or rounds used on the range.

(d) That there be no unreasonably loud or disturbing noise outside the building resulting from the use of firearms.

(e) That, during all hours of operation, there shall be physically on the premises, a designated range supervisor who has had a minimum of ten (10) hours instruction on firearm safety and recognition of unsafe firearm practices. Commensurate or comparable military or law enforcement training in range supervision satisfies this requirement. The range operator shall maintain documentation of such training.

3.9 “Livestock/Poultry Facility” means (1) any tract of land used for the keeping, grazing, feeding or breeding of any species of domesticated livestock or poultry for commercial purposes, provided that the tract of land is fenced for such purposes; or (2) any building used for the keeping, feeding or breeding of any species of domesticated livestock or poultry for commercial purposes.

3.10 “Lot” includes the words “plot” or “parcel.”

3.11 “Ordinance” shall mean this Jones County Shooting Range Facility Ordinance.

3.12 “Owner” when applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant by entirety of the whole or part of such building or land.

3.13 “Person” means an owner, firm, joint venture, association, organization, partnership, corporation, trust and company, as well as an individual.

3.14 “Safety fan” means an area on a shooting range facility designed to contain all projectiles fired from a shooting station.

3.15 “Shooting range facility” means a for-profit, public or private facility, including individual shooting ranges, safety fans or shotfall zones, structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. The term shall also include non-exempt indoor firing ranges.

3.16 “Shooting station” means an area designed and improved to encompass firing lines, target areas, berms and baffles, and other related components.

3.17 “Shotfall zone” means an area within which the shot or pellets contained in a shotgun shell typically fall.

ARTICLE 4

Performance Standards

The following performance standards shall apply to all shooting range facilities:

4.1 *Shot containment.* Shooting range facilities shall be designed to contain all of the projectiles, bunch, shot, or arrows or any other debris on the facility.

4.2 *Noise mitigation.* Shooting range facilities shall be designed to minimize offsite noise impacts generated by the activities conducted on the facility.

4.3 *Fully automatic assault type weapon.* No fully automatic assault type weapons shall be used by the general public, but may be used by any law enforcement, military or federal agency group duly authorized to use this type of weapon.

4.4 *Written variance.* These performance measures may be varied with written permission of adjoining property owners affected thereby, except that written approval is not needed for any adjoining land owned by the State of North Carolina.

ARTICLE 5

Development Requirements

5.1 *Compliance.* All new shooting facilities shall be designed, constructed and operated in strict compliance with National Rifle Association (herein referred to as the N.R.A.) standards, specifically “The Range Source Book, A Guide to Planning and Construction,” Section 1: Chapters 1 through 7 and Section 2: Chapters 1 through 18. In addition, construction standards shall comply with all appurtenant North Carolina Building and Fire Codes.

5.2 *Setbacks.* Notwithstanding the performance standards of Article 4, all outdoor shooting stations on a shooting range facility shall be located a minimum of 200 feet from any property line.

5.3 *Warning signs.* Warning signs meeting National Rifle Association guidelines for shooting ranges shall be posted at 100-foot intervals along the entire perimeter of the shooting range facility.

5.4 *Distance from occupied dwelling or livestock/poultry facility.* All shooting stations shall be located at least one-half (1/2) mile (2,640 feet) from any existing occupied dwelling, excluding those dwellings occupied by the range owner and staff of the range, and at least one-quarter (1/4) mile (1,320 feet) from any livestock/poultry facility. A shooting range facility lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of an occupied dwelling one-half (1/2) mile (2,640 feet) of any shooting station, or the subsequent location of a livestock/poultry facility one-quarter (1/4) mile (1,320 feet) of any shooting station.

5.5 *Fencing.* The entire perimeter of the shooting range facility shall be enclosed by a fence wherever geographical features of the land allow so that access to the site is controlled to insure the safety of patrons, spectators and the public at large. The perimeter fence shall, at a minimum, meet the North Carolina Department of Transportation standards for woven wire fencing, as follows:

Woven wire fencing shall conform to ASTM A 116 or AASHTO M 279. The fence fabric shall be 47" high, with 10 horizontal strands. Space the strands 3" apart at the bottom and 8" apart at the top with progressive spacing between. Space vertical strands at 6" intervals. Any of the following styles and coating classes may be used:

- (A) Style 1047-6-9, Grade 60 (all horizontal and vertical strands of wire shall be 9 gage) with a Class 3 zinc coating.
- (B) Style 1047-6-11, Grade 60 (top and bottom horizontal strands to be 9 gage wire, all other strands to be 11 gage) with a Class 3 zinc coating.
- (C) Style 1047-6-12 ½, Grade 125 (top and bottom horizontal strands of wire to be no smaller than 10 ½ gage with a minimum breaking strength of 1610 lb, all other strands to be no smaller than 12 ½ gage with a minimum breaking strength requirement for horizontal strands of 960 lb with a Class 3 coating.

Brace wire shall be a 9 gage steel in accordance with ASTM A 641, except that the minimum zinc coating shall be 0.80 oz/sq. ft. (See N.C.D.O.T. Woven Wire Standards)

ARTICLE 6

Operational requirements

6.1 *Hours of operation.* Firearms shall not be discharged between sunset and sunrise, except that the hours may be extended after sunset for purposes of subdued lighting certification of law enforcement officers, or may be extended for other purposes when authorized by the County Board of Commissioners. On Sundays, shooting shall not commence before 1:00 p.m., unless a permit allowing such activity is issued in advance by the County Board of Commissioners.

6.2 *Liability insurance.* The permittee shall be required to carry a minimum of \$1,000,000.00 of liability insurance. Such insurance shall name Jones County as an additional insured party and shall save and hold the County, its elected and appointed officials and employees acting within the scope of their duties harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any property damage arising out of use of the range, or in any way arising out of the acts or omissions of the permittee, his/her group, club or its agents or representatives. The County shall be notified of any policy changes or lapses in coverage.

ARTICLE 7

Procedure for securing approval for new shooting range facilities

7.1 *Permit application.* An application for a permit to establish and operate a shooting range facility shall be submitted by the legal property owner(s) or owner's agent to the County Manager. The County planning board shall make a recommendation to the County Board of Commissioners within thirty (30) days of receipt of the application for a permit to establish and operate a shooting range facility. Such permit shall be secured prior to issuance of any other building or improvement permit by the County.

7.2 *Fees.* The application shall be accompanied by an application fee of \$100.00.

7.3 *Required information.* The applicant shall provide sufficient information as required by these provisions in order to properly evaluate the permit application. In addition, copies of any written agreements from adjoining property owners and a letter from the insurance company to provide liability insurance shall accompany the permit application.

7.4 *Site plan.* A site plan prepared by a professional engineer and/or a registered land surveyor for the entire range facility which shows the following applicable information drawn to an appropriate scale, shall accompany the permit application:

(1) Property lines for any parcel upon which the range facility is to be located, north arrow, plan scale, date and ownership information for the site;

(2) Complete layout of each range, including shooting stations or firing lines, target areas, shotfall zones or safety fans, backstops, berms and baffles, when necessary;

(3) Existing and proposed structures; occupied dwellings within one-half (1/2) mile (2,640 feet) of any shooting station; livestock/poultry facilities within one-quarter (1/4) mile (1,320 feet) of any shooting station; roads, streets or other access areas; buffer areas; and parking areas for the range facility; and

(4) Any other appropriate information related to the specific type of range(s) being proposed.

7.5 *Action.* Within thirty (30) working days of receipt of the recommendation from the County planning board, the County Board of Commissioners shall consider the application for permit and shall take one of the following actions:

(1) Reject the application as incomplete; or

(2) Approve the issuance of the permit; or

(3) Deny the permit request.

In any case, the written findings to support the action taken shall be provided to the applicant.

7.6 *Permit display.* Permits shall be kept and displayed in a readily visible location on the shooting range facility and at all times be available for public inspection.

7.7 *Permit transferability.* A permit issued pursuant to this article may not be transferred to another operator without the written approval and consent of the county planning department.

7.8 *Changes or expansions.* If any shooting range facility is intended to be substantially changed or expanded to include types of ranges, operations or activities not covered by an approved permit or otherwise cause nonconformance with this article, a new permit for the entire facility shall be secured in accordance with all of the provisions of this article.

ARTICLE 8

Registration and compliance of existing shooting range facilities

8.1 *Registration.* All existing shooting range facilities shall provide a site plan, prepared in accordance with Article 7, within ninety (90) days after the effective date of this Ordinance. No fees will be charged and no permits will be required.

8.2 *Compliance.* Within one year after the effective date of this Ordinance, any existing shooting range facility determined not to be in compliance shall be made to obtain a permit and comply with all of the requirements of this Ordinance.

8.3 *Abandonment and discontinuance.* When an existing shooting range facility is discontinued without the intent to reinstate the range use facility, the property owner shall notify the county of such intent by providing written notice to the County Manager.

ARTICLE 9

Variances

9.1 A variance may be granted by the County Board of Commissioners upon finding that a practical difficulty or unnecessary hardship would result if this Ordinance were strictly applied.

9.2 *Conditions imposed on variances.* In granting any variance, the County Board of Commissioners may prescribe appropriate conditions and safeguards to ensure that substantial justice has been done and that the public safety and welfare has been

assured. Such conditions may be imposed by the board regarding the location, character and other features of the proposed shooting range facility as may be deemed by the board to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when under part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance. In addition to the grounds for granting the variance specified by state law, the Board of Commissioners may grant a variance when it finds that the granting of the requested variance will cause no significant hazard, annoyance or inconvenience to the owners or occupants of nearby property, and will not impose any significant cost burden upon the County.

ARTICLE 10

Enforcement, remedies and penalties

10.1 *Enforcement and remedies.* Violations of the provisions of this Ordinance or failure to comply with any of its requirements, shall constitute a misdemeanor as provided in N.C.G.S. Section 14-4. Any violation or attempted violation of this Ordinance or of any condition or requirement adopted pursuant to these provisions may be restrained, corrected or abated, as the case may be by injunction or other appropriate proceedings as allowed by state law.

10.2 *Civil penalties.* Any person who violates any of the provisions of this Ordinance shall be subject to a civil penalty of five hundred dollars (\$500) per violation. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation. Each day of a continuing violation, regardless of the date of notice, shall constitute a separate violation for purposes of the penalties and remedies specified in this section.

10.3 *Criminal penalties.* Any person who knowingly or willfully violates this Ordinance or who knowingly or willfully initiates or continues unapproved actions shall be guilty of a misdemeanor punishable by imprisonment not to exceed thirty (30) days, or by a fine not to exceed fifty dollars (\$50.00).

10.4 Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

ARTICLE 11

Severability

Should any article or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 12

Conflicting Ordinances Superseded

Any portion of a duly adopted ordinance of Jones County in conflict with the provisions of this Ordinance is hereby expressly superseded.

ARTICLE 13

Effective Date

This Ordinance shall be effective upon enactment.

Adopted January 22, 2008

See Commissioners Minutes
Book 9, Page 460



JONES COUNTY

BY:

Chairman,
Jones County Board of Commissioners

ATTEST:

Acting -
Clerk,
Jones County Board of Commissioners